PRESERVED

6-33-13

App. F. IX-4

1933.

File No. 6-33

Previous References
Cls 51-32-62, 66+72.

(Cl-)

Serial Nos. 1-3.

Later References
Cl-6-33-4-8
" C-34-29, 35, 41, ... 58.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three

Part B for August-1933

SUBJECT.

Vacation of the Munsiff magistrates

3) 2

The Regr Hc-
& Comptr.

No. P 820-1 of 17.8.33

Such Hon. Munsiff Magistrates may be given option to work during the vacation & earn Privilege leave or avail of the vacation when an ag. appointt. may be made..

24 cols

Hon. Chief Justice
" " "

Extract from e/s 57-32-(H.62)

(7) In the Audit and Appropriation Report for 1931-32, it was pointed out by the Comptroller that the officer permitted to utilise the vacation is not an absentee" and that any acting arrangements made during the vacation are contrary to the provisions of the M.S.R. In the case of Munsiff Magistrates, the application of this principle leads to inconvenience, as pointed out in the above note. It is therefore desirable to lay down that Munsiff Magistrates shall not be permitted to utilise the vacation but shall only be entitled to the ordinary privilege leave concessions.

(8) Forwarded with compliments to the Registrar, High Court, for favour of opinion.

Id.M.M.
16/5.

x x x x

(9) Returned with compliments to the Chief Secretary to Government. The High Court is of opinion that it will work as a hardship if the Munsiffs who work as Magistrates are to be deprived of the opportunity of availing themselves of the Summer Vacation. Judicial Officers do require rest, and their work after the re-opening of the courts is likely to be efficient if they are allowed to enjoy the Vacation.

(10) Moreover, Munsiffs will be reluctant to work as Magistrates if they are compelled to work during the vacation.

(11) The Judges consider that a rule has to be made giving the option to the officer concerned either to wo and earn privilege leave or to avail himself of the Vac tion, in which case a substitute has to be appointed. I no doubt involves some expenditure, but it is inevitabl under the circumstances.

Sd/ S.V.

x x x x

12) For orders re. the grant of vacation to the Munsiff Magistrates at Hassan and Nolenarasipur and the appointment of substitutes for them.

Id.C.S.
22-3-33.

x x x x

13) The proposals of the High Court in regard to the above two points may be approved.

Id.N.M.
23-3-33.

x x x x

Id.M.M.I.
24-3-33.

x x x x

14) To the Financial Secretary with compliments for favour of concurrence as regards the two draft Notifications.

15) The proposal of the High Court contained in para 11 will be separately dealt with in consultation with the Financial Department.

Id.N.M.
24-3-33.

x x x x

16 The general procedure to be followed when Munsiff Magistrates are allowed to avail themselves of the vacation has to be considered. To appoint substitutes in such cases involves extra expenditure and even for this extra expenditure Government do not get full return becau while the substitutes draw the same pay as that of the Munsiff Magistrate, they will do only a portion of the work, viz., criminal work, and even in respect of crimi work cases which they do not complete during the short period of their incumbency will have to be heard over a by the permanent incumbent.

Placing one of the adjoining ~~magistrates~~ or other Government officers such as Amildars or Sub division officers, in charge of the court in addition to his own duties may not be practically inconvenient and may not reduce the output of work in an appreciable manner and will involve no extra cost. I would therefore suggest this kind of arrangement for consideration.

17) In the present cases, if new appointments are to be made at all, the Budget provision for the extra expenditure will have to be indicated and it may be considered if a lower rate of pay than that proposed (pay of the Munsiff Magistrate) cannot be sanctioned in view of the fact that only a portion of the work has to be attended to by the substitutes.

Sd.S.S.
25-3-33

18 In view of what the High Court states in para 11 ~~[illegible]~~ above, the M.S.A will have to be amended. The ~~[illegible]~~ question discussed above has arisen only in the case of Munsiffs courts who do both the civil & crl. work. There are only 4 such courts now. They are permitted ~~to [illegible]~~ by the High Court to avail themselves of the civil court Summer vacation & some arrangement is necessary for the disposal of crl. work during the period. It may not be possible to touch on the

5630

Vacation for Municipal Magistrates.

4

General and Revenue Secretariat | File No. | of 193 . [App. F. III—2

Serial No.

work by each Division officer since the period extends to six months.

(4) Municipal Magistrates who are posted and part time magistrates do not, however, get the benefit of the rule though they earn casual leave at the rate of two days for every completed month of service and for orders.

Sd/ M.S.R
27/4.

(5) So long as the system of Municipal Magistrates exists, the grant of vacation is desirable in view of the opinion of the High Court. To avoid a technical transgression of the M.S.R. rule as pointed out by the Audit report, the M.S.R. rule has to be amended by allowing for this exceptional case.

Chief Secretary)

6/5/33

22 Pl. send to Fin. M
Pdg
4/6/33.

6
4/5

23) Municipal Magistrates have the regarded as officers belonging to a non-Vacation department in the same way as ordinary Special Magistrates. If this is done, it will I think solve all difficulties and will be in conformity with the M.S.R.

25/6.

M
26/6/33

3600

M

NOTE—Contn. Sheet.

WD 0246 --GPB—15,000—22-8-32

32-36

File No. 6 of 1933

General and Revenue Secretariat

Submitted for orders if the views of the High Court may be called for as regards the suggestion of the Finance Dept.

Yes
Ce 30/6/33

Draft Submitted.

25 Issued. 29 The High Court however seem to have given their opinion already!

TYPING SECTION
4. JUL. 1933
GENL. & REV. SEC.

Done 5.7.33

No 9 of 5/7 Regr High Ct calling for its views on the matter.

No 10 dtd 17/7 from the 3 Regr High Court submitting references. To its No. 9 opinion of 16/3/33 & suggesting the commencement of the M.S.R.

30 Submitted for orders. If his views may be requested from Fin Secy.

Fin Secy
21/7 31 The High Court Consider that Municipal Members should be given the option of availing themselves of the Vacation & that the M.S.R. should be amended

Fl 279/24.7.33

KN

Fin Sec) Cr 21/7

29.7.33

3-7-33.

6

Serial No.

7279

DEPT. 17 AUG. 1933

37 It is equally open for Munsiffs to be appointed as Special Magistrates also. When they are not treated as officers belonging to the vacation department, the need for according special treatment to Munsiff Magistrates alone is not clear. However, if it is decided to sanction the High Court's recommendation, suitable amendments to M.S.R. will have to be issued from the Financial Secretariat. The amendment proposed by the High Court requires modification and will be suitably amended.

31.7.33

31.7.33

Dewan 33 RG 1/8733. 1/8/33

34 The View of the High Court may be accepted and M S R amended accordingly

2.8.33

RG 2/8

35 This may now be reported to the Hon'ble Secy.

5/8

(For Secy) 36 6/8/33

37 Submitted. The new edition of the M.S.R is to be published shortly and any Amendment to M.S.R. will have to be with

NOTE—Contn. Sheet.

File No. 3600 of 193 . | General and Revenue Secretariat

reference to the new Article in that edition. So the question of issue of a.c. slip will be taken up sometime hence. In the meanwhile ~~if~~ necessary G.O. on the point may perhaps issue from the administrative branch.

MM
6.8.33.

38 (Secy) 7.8.33

39 7.8.33
8/33

Bdr: Advr
rec)

4° Draft G.O may be put up

6.9/8/33

41 Draft G.O

Sec. MSK
11/C 12/8/33

41' Pl. put up clean draft

6/8/33

To Secy. with G.O. Clean draft

Secy
14/8.

42 Issue

43 15/8/33

TYPING SECTION
14 AUG. 1933
GENL. & REV. SECTT

SECTION
14 AUG 1933
GENL. & REV SECTT

General and Revenue Secretariat | C6 File No. 6 of 1933 | [App. F. III—2

Serial No.	
	Ticon 363 18/8/33 — Draft and fair copies are submitted for signature.
	Issue 45 Issued 18/8/33.
3	G.O.Nos 820-21 dt 17/8 re Municipalities — Rules to be framed regarding the manner in which the option to remain or retire for the term or annual of vacations when any appointments may be made.
B.	Copy to Fort Secy.

NOTE—Contn. Sheet.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th July 1933.

No. P97/C56-33-1. 5

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to invite reference to para 119 of the Audit and Appropriation Report of 1931-32 and to the remarks of the Public Accounts Committee thereon at page 20 of its report and to enquire if the objection raised therein may not be got over by regarding Munsiff-Magistrates as officers belonging to a non-vacation Department in the same way as ordinary Special Magistrates.

I have the honor to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government.

TRM.2

Appendix F G—1]

SUBJECT .....

.....

.....

Section C15

File No. 6-33

Serial No. 1

Diary No. of letter replied to .....

No. 997.

To

The Right Hon'ble

Sir,

I am directed to invite reference to para 119 of the Auditor-General's Appropriation Report for 1931-32 and to the remarks of the Public Accounts Committee thereon at para 20 of the report and to enquire if the objection raised therein may not be got over by appointing municipal magistrates as officers belonging to a non-vacation depot, in the case

General and Revenue Secretariat

( )

the 193 .

Date of issue 5/7/33

Signed by Mr. V. R. Jagga Rao

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

323 P 933

R. O. C. No. 1088 Dis.- 32-33 Rec. one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 15th July *193* 3.

No 6-33-2

FROM

S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,
Registrar, High Court of Mysore.

To

R. RANGA RAO, Esq., B.A., B.L.,
Chief Secretary to the Govt. of H.H. the Maharaja of Mysore,
Bangalore.

SECRETARIAT Received 18 JULY 1933

SIR,

Adverting to your letter No.P. 97/Cts. 6.33.1 dated 4th/5th July 1933, inviting reference to paragraph 119 of the Audit and Appropriation Report of 1931-32 and to the remarks of the Public Accounts Committee thereon at page 20 of its report, and enquiring if the objection raised therein may not be got over by regarding Munsiff-Magistrates as officers belonging to a non-vacation Department in the same way as ordinary Special Magistrates, I am directed to invite kind reference to the opinion already furnished by the High Court in the Un-official File No.P.38 of 1932 dated 16.3.1933 in its Note Roc. No. 971 of 32-33 dated 20th March 1933 (copy enclosed for ready reference) and to state that the High Court adheres to the view therein expressed, and that it is open to Government to amend the rules in the Mysore Service Regulations, as suggested in the last sentence of the remarks of the Public Accounts Committee with reference to the said para 119 of the Audit and Appropriation Report, referred to in your letter under advertence, by the insertion of a note under each of the Articles 4 and 57 of the Mysore Service Regulations, to the following effect :- " A Munsiff Magistrate who is permitted to avail himself of the Civil Courts vacation may be treated as an absentee for the purposes of this article."

I have the honor to be,
S i r,
Your most obedient servant,

S. Venkata Ranga Iyengar

R e g i s t r a r.

Reply to the U.O. reference No.P. 38 of 32, dated 16-3-1933 from the Chief Secretary.

No. Roc. 971/32-33

HIGH COURT OF MYSORE,
Dated 20th March 1933.

Returned with compliments to the Chief Secretary to Government. The High Court is of opinion that it will work as a hardship if the Munsiffs who work as Magistrates are to be deprived of the opportunity of availing themselves of the Summer vacation. Judicial officers do require rest and their work after the re-opening of the courts is likely to be efficient if they are allowed to enjoy the vacation.

Moreover Munsiffs will be reluctant to work as Magistrates if they are compelled to work during the vacation.

The Judges consider that a rule has to be made giving the option to the officer concerned either to work and earn privilege leave or to avail himself of the vacation, in which case a substitute has to be appointed. It no doubt involves some expenditure, but it is inevitable under the circumstances.

sd/ N.B.Srinivasiengar,
Deputy Registrar,
doing duty as Registrar.

" Copy "

S. Varadanga Iyengar
Registrar.

Proceedings of the Government of ... in the Mysore Judicial ...

No 6-33-3

ORDER No. P-820-21/17/14/May/33

Dated, Bangalore, the

In the Report on the Audit and Appropriation Accounts for the year 1931-32 objection was taken to the appointment of acting Munsiff Magistrates in place of the permanent incumbents permitted to avail of themselves the summer vacation as this was contrary to the provisions of Arts. 4 and 7 of the C.S.R.

The High Court is of opinion that it will work as a hardship if Munsiff-Magistrates are to be deprived of the opportunity of availing themselves of the Summer vacation and that judicial officers do require the vacation for rest.

Government are pleased to direct that a Munsiff-Magistrate may in future be given the option either to work during the summer vacation and take privilege leave or to avail himself of the vacation, and when a Munsiff-Magistrate is appointed to perform the duties of the Summer vacation an acting for the

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Order, No. P 820-21/ch 6-33-3

Dated, Bangalore the 17 August 1933.

In the Report on the Audit and Appropriation Accounts for the year 1931-32 objection was taken to the appointment of acting Munsiff Magistrates in place of the permanent incumbents permitted to avail themselves of the summer vacation for Civil Courts as this was contrary to the provisions of Arts. 4 and 57 of the Mysore Service Regulation.

The High Court is of opinion that it will work as a hardship if Munsiff-Magistrates are to be deprived of the opportunity of availing themselves of the summer vacation and that judicial officers do require the vacation for rest.

Government are pleased to direct that a Munsiff-Magistrate may as a rule be given the option either to work during the summer vacation and earn privilege leave or to avail himself of the vacation, and when a Munsiff-Magistrate is allowed to avail himself of the summer vacation an acting appointment during the vacation for the disposal of the criminal work may be made.

The Mysore Service Regulation will be suitably amended.

For Chief Secretary to Government.

To

The Controller to Government,
through Financial Secretariat.
The Registrar, High Court, Bangalore.